

LeAnn Bailey, J.D.  
Attorney at Law

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MAY 05 2008

Environmental  
Cleanup Office

May 2, 2008

**Via Certified Mail, Return Receipt Requested  
and Regular Mail**

Deb Yamamoto,  
Unit Manager Cleanup Unit #2  
USEPA  
1200 6th Ave., Ste. 900, M/S ECL-115  
Seattle, WA 98101

Re: Portland Harbor Superfund Site 104(e) Extension Request

Dear Ms. Yamamoto:

I represent The Marine Salvage Consortium, dba Fred Devine Diving & Salvage, (Devine), who is the recipient of a 104(e) Request for Information and am requesting an extension of 45 days on their behalf for Devine to provide its response to the request.

a. Rationale

The office manager has been locating and scanning documents since receipt of the request in January, 2008. The total employees of Devine are 12 in number, three of whom are located off-site in Astoria, Oregon, manning a marine casualty and emergency response vessel. The staff working on the request, include the office manager, the operations manager, and the President. It was apparent to Devine early in March that an extension was necessary and Devine hired a temporary employee to assist in the records search effort. As you are aware, on April 8, 2008, EPA denied a PRP request for a blanket extension of 90 days.

Devine was unable to commence responding to the request in a meaningful manner until the documents were located, reviewed and scanned into a computer. We estimate approximately 65 percent of the documents have been searched, reviewed and scanned at

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USEPA SF



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this point. The office manager has scanned nearly 2,000 pages. The employee has been searching records since March 10, 2008. We estimate the employee will spend approximately another 30 days reviewing files and searching for documents that may be responsive to the request. Please note that not all of the documents to be reviewed and produced are in Devine's possession and therefore, Devine has or is in the process of requesting such documents, which in at least one instance has required a FOIA request which may not arrive for the next 20 days. In addition, identifying the correct agency from whom to request these documents has proven somewhat difficult, particularly from the City of Portland.

Devine's efforts were interrupted in April when the President, who is crucial to providing responses to the questions, was out an entire week with influenza and received a doctor's prescription for the illness. The following week, the office manager contracted influenza and was absent seven business days and hospitalized. Due to her familiarity with the documents, it was not possible for the President and I to begin responding to the questions in her absence.

b. Proposed Extension Date

I did not feel I could request an extension on Devine's behalf until I spent some time reviewing and analyzing the documents and commencing answering the request to allow me to fully understand what had been accomplished and what remained to be accomplished to submit the response and to propose an extension date. I have done so, and on behalf of Devine, request an extension of 45 days from May 16, 2008, to file the response.

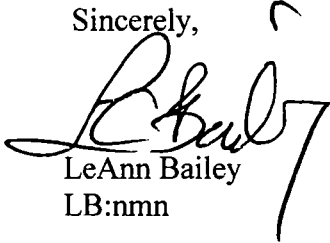
c. Schedule With Status Reports

Devine proposes to update EPA on or before June 16, 2008, with its progress in completing review of the physical files for documents responsive to the request, which Devine expects to be completed by that time. Additionally, Devine will update EPA on the percentage completion of documents responsive to the request scanned. Finally, Devine will provide EPA with information on the number of questions it has completely answered and the number remaining, along with an estimate of the time to complete those questions within the remaining 15 days of the extension. Devine will make every effort to provide EPA its response prior to the 45 day requested extension.

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Please note that Mr. Leitz, President of Devine, has countersigned below as required in Section 4) of the Procedures for 104(e) Extension Request. I ask that you confirm receipt of this request for an extension via e-mail at my address: *baileyle@aol.com*, or via your preferred manner of communication. Please contact me regarding any additional information or documentation you may need to process this request for extension.

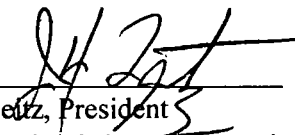
Sincerely,



LeAnn Bailey  
LB:nmn

cc: Kristin Koch  
Lori Houck-Cora  
Elizabeth McKenna

Signed:



J.H. Leitz, President  
The Marine Salvage Consortium, Inc.  
dba Fred Devine Diving & Salvage